

1 ANDREW R. LIVINGSTON (State Bar No. 148646)
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2 ERIN M. CONNELL (State Bar No. 223355)
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The Orrick Building
4 405 Howard Street
San Francisco, CA 94105-2669
5 Telephone: +1-415-773-5700
Facsimile: +1-415-773-5759
6

Attorneys for Defendants
7 Chase Home Finance, LLC (on behalf of itself and as successor
in interest to Chase Manhattan Mortgage Corporation) and
8 James Boudreau

9
10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 CHRISTOPHER CLARK and JAMES
13 RENICK, individuals,

14 Plaintiffs,

15 v.

16 CHASE HOME FINANCE, LLC; a Delaware
LLC doing business in California; CHASE
17 MANHATTAN MORTGAGE
CORPORATION, a New Jersey corporation
18 doing business in California; JAMES
BOUDREAU, an individual; and DOES 1-25,

19 Defendants.
20

Case No. 08 CV 0500 JM RBB

**DECLARATION OF ERIN M.
CONNELL IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO
REMAND TO STATE COURT**

Date: May 16, 2008
Time: 1:30 p.m.
Courtroom: 16

1 I, Erin M. Connell, hereby declare:

2 1. I am a member of the State Bar of California and an associate with the firm of
3 Orrick, Herrington & Sutcliffe LLP, attorneys of record for defendants Chase Home Finance,
4 LLC (on behalf of itself and as successor in interest to Chase Manhattan Mortgage Corporation)
5 and James Boudreau. I make this declaration in support of Defendants' Opposition To Plaintiffs'
6 Motion To Remand To State Court. The facts set forth in this declaration I know to be true of my
7 own personal knowledge, except where such facts are stated to be based on information and
8 belief, and those facts I believe to be true. If called as a witness I could and would testify
9 competently to the matters set forth in this declaration.

10 2. Attached as Exhibit A is a true and correct copy of three letters dated
11 January 9, 2008 and sent by Certified Mail by Plaintiffs' counsel to Defendants purporting to give
12 notice of the alleged California Labor Code violations that form the basis of Plaintiffs' Sixth
13 Cause of Action under California Labor Code Section 2699.

14 3. Attached as Exhibit B is a true and correct copy of a letter dated
15 February 8, 2008 and sent from the California Labor Workforce Development Agency
16 ("LWDA") to Defendants. The letter references a notice sent by Plaintiffs to the LWDA on
17 January 9, 2008. On that ground, Defendants are informed and believe that Plaintiffs sent notice
18 to the LWDA of the alleged California Labor Code violations that form the basis of Plaintiffs'
19 Sixth Cause of Action under California Labor Code Section 2699 on January 9, 2008.

20
21 Executed on May 1, 2008, in the City of San Francisco State of California.

22 I declare under penalty of perjury under the laws of the State of California and these
23 United States that the foregoing is true and correct.

24
25 /s/ Erin Connell
Erin M. Connell

INDEX OF EXHIBITS

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<u>No.</u>	<u>Exhibit</u>	<u>Page</u>
1.	Three letters dated January 9, 2008 and sent by Certified Mail by Plaintiffs' counsel to Defendants purporting to give notice of the alleged California Labor Code violations that form the basis of Plaintiffs' Sixth Cause of Action under California Labor Code Section 2699	1
2.	Letter dated February 8, 2008 and sent from the California Labor Workforce Development Agency to Defendants	7

Exhibit A



United Employees Law Group, P.C.

January 9th, 2008

CERTIFIED MAIL

James Boudreau
10790 Rancho Bernardo Road
San Diego CA 92127

RE: Employers Names & Addresses:
Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
Violations of Labor Code Sections 1174, 1174.5, 1194, 1197.1, 1198 and 2699, 200, 203, 210,
218.5, 226(a), 226(e), 226(f), 226(g) 226.7, 510, 512, 558.

Dear Sir or Madam:

This law firm represents Christopher Clark & James Renick, are former employees of the Employers named above and whose respective business addresses are set forth above.

In compliance with Labor Code § 2699.3(a) (1), and your agency's right to investigate these violations, this letter shall serve as notice that we are preparing to enforce our clients' right to recover earned, but unpaid wages; our clients' right to obtain accurate and complete wage statements, compensation for denied rest periods and meal breaks and our intent to assert all relevant penalties under the Labor Code including but not limited to §§ 203, 210, 226(f), 558 and 1174.5.

Our client asserts that they were misclassified as an exempt employee and therefore, did not receive compensation for overtime hours worked in that they worked in excess of 8 hours per day and 40 hours/week on a regular basis while receiving compensation for only eight hours. (Violation of Labor Code §§ 1194, 1198 and 510). Furthermore our clients' were not permitted meal and rest breaks as mandated by law during the course of the employment relationship. (Violation of Labor Code §§ 226.7 and 512). Finally, our client asserts they did not receive accurate and complete wage statements, despite the fact that such statements were requested. (Violation of Labor Code § 1174 and 226(a)).

Pending a full investigation, any later discovered violations may be added which we intend to enforce in accordance with the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698-2699.5.

In view of the duties imposed on your agency and this office by the statutes cited above, please be advised we will advance our calendar thirty (30) days of the date of this letter.

Sincerely,


A handwritten signature in black ink, appearing to read "Walter L. Haines".

Walter L. Haines
Attorney at Law

cc: Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
(Per LC § 2699.3, by Certified Mail)

65 Pine Avenue, #312, Long Beach, California 90802, Phone: (562) 256-1047, Fax: (562) 256-1006

Exhibit A

 United Employees Law Group, P.C.
65 Pine Avenue, #312
Long Beach, CA 90802

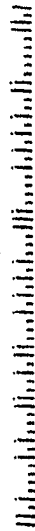
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United Employees Law Group, P.C.

January 9th, 2008

CERTIFIED MAIL

Chase Manhattan Mortgage Corporation
10790 Rancho Bernardo Road
San Diego CA 92127

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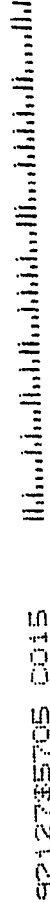
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Walter L. Haines
Attorney at Law

cc: Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
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January 9th, 2008

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San Diego CA 92127

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Walter L. Haines
Attorney at Law

cc: Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
(Per LC § 2699.3, by Certified Mail)

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United Employees Law Group, P.C.
65 Pine Avenue, #312
Long Beach, CA 90802



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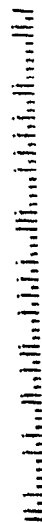


Exhibit B



Governor
Arnold
Schwarzenegger

Secretary
Victoria L. Bradshaw

Labor & Workforce Development Agency

Date February 8, 2008

United Employees Law Group, P.C.
65 Pine Avenue, #312
Long Beach, CA 90802

Agricultural
Labor
Relations
Board

James Boudreau
Chase Home Finance LLC
Chase Manhattan Mortgage Corporation
10790 Rancho Bernardo Road
San Diego, CA 92127

California
Unemployment
Insurance
Appeals
Board

Re: LWDA No: 3080
Employer: Chase Home Finance LLC
Employee: Christopher Clark and James Renick

California
Workforce
Investment
Board

Dear Employer and Representative of the Employee:

This is to inform you that the Labor and Workforce Development Agency (LWDA) received your notice of alleged Labor Code violations pursuant to Labor Code Section 2699, postmarked January 09, 2008 and after review, does not intend to investigate the allegations.

Department of
Industrial
Relations

As a reminder to you, the provisions of Labor Code Section 2699(i) provides that "...civil penalties recovered by aggrieved employees shall be distributed as follows: 75 percent to the LWDA for enforcement of labor laws and education of employers and employees about their rights and responsibilities under this code". Labor Code Section 2699(l) specifies "[T]he superior court shall review and approve any penalties sought as part of a proposed settlement agreement pursuant to this part".

Economic
Strategy
Panel

Consequently you must advise us of the results of the litigation, and forward a copy of the court judgment or the court-approved settlement agreement.

Employment
Development
Department

Sincerely,

Employment
Training
Panel

Robert A. Jones

Robert A. Jones
Deputy Secretary